

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**In re VIISAGE TECHNOLOGY, INC.  
SECURITIES LITIGATION**

**Civil Action No. 05-cv-10438-MLW**

**This Pleading Applies to: All Actions**

**LEAD PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

Lead Plaintiffs Turnberry Asset Management, Electronic Trading Group, LLC, Ronald Sauer, David Hancock and Lance Hancock ("Lead Plaintiffs") respectfully request, pursuant to Fed. R. Civ. P. 23(e), that this Court preliminarily approve the proposed settlement (the "Settlement") between Lead Plaintiffs on behalf of the Class<sup>1</sup> and Defendants Viisage Technology, Inc. (now known as L-1 Identity Solutions, Inc.), Bernard C. Bailey, William K. Aulet, Denis K. Berube, Marcel Yon, Buddy G. Beck, Charles A. Levine, Thomas J. Reilly, Harriet Mouchly-Weiss, Paul T. Principato and Peter Nessen (collectively, "Defendants").

In support of this Motion, Lead Plaintiffs submit the accompanying Memorandum of Law, and Declaration of Jeffrey A. Klafter, in Support of Their Motion For Preliminary Approval of Class Action Settlement. The Stipulation of Settlement, dated July 19, 2007 (the "Settlement Stipulation") is attached

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<sup>1</sup> The Class is defined in the Settlement Stipulation as: all Persons who purchased Viisage's publicly traded securities during the period from May 12, 2004 through March 2, 2005, inclusive. Excluded from the Class are: (i) the Defendants herein, the directors, officers and employees of Viisage, the members of each Individual Defendants' immediate families, any entity in which any Defendant has a controlling interest, and the legal affiliates, representatives, heirs, controlling persons, successors and predecessors in interest or assigns of any such excluded party; and (ii) those Persons who submit valid and timely requests for exclusion from the Class pursuant to the instructions set forth in the Notice of Pendency and Proposed Settlement, Application For Attorneys' Fees And Expenses and Fairness Hearing (attached as Exhibit 1 to the Preliminary Approval Order described below).

as Exhibit 1 to the Declaration of Jeffrey A. Klafter and provides for a settlement of \$2.3 million in cash to be paid for the benefit of the Class.

Exhibit A to the Settlement Stipulation is a proposed Preliminary Approval Order. The proposed Preliminary Approval Order: (1) grants preliminary approval of the proposed settlement; (2) certifies the Class for purposes of this settlement; (3) directs that the Class be given notice of the proposed settlement in the form and manner proposed by the parties; and (4) schedules a Fairness Hearing at which the Court will consider Lead Plaintiffs' motion for final approval of the settlement, entry of the proposed Final Judgment attached as Exhibit B to the Settlement Stipulation, and Lead Counsel's application for an award of attorneys' fees and reimbursement of costs.

WHEREFORE, Lead Plaintiffs respectfully move this Court to enter the Preliminary Approval Order submitted herewith.

#### **RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), Lead Counsel certify that they conferred in good faith with counsel for Defendants, who has assented to the relief sought in the motion according to the terms provided for in the accompanying Settlement Stipulation. The accompanying Memorandum of Law, however, is only submitted on behalf of Lead Plaintiffs.

Dated: July 23, 2007

Respectfully submitted,

**BERMAN DEVALERIO PEASE TABACCO  
BURT & PUCILLO**

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